

## NEBRASKA ADMINISTRATIVE CODE

### TITLE 131 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

#### Chapter 1 - DEFINITIONS

001 "Capacity Development" means the technical, managerial, and financial capability to comply with applicable Primary Drinking Water Standards.

002 "Clean Water Act" means Public Law 92-500, as amended by Public Law 98-396 and Public Law 100-4, 33 U.S.C. 1251 et seq.

003 "Community Water System" as defined in the Nebraska Safe Drinking Water Act, section 71-5301(12) means a Public Water System that (a) serves at least fifteen service connections used by year-round residents of the area served by the system or (b) regularly serves at least twenty-five year-round residents.

004 "Construction" means any one or more of the following: preliminary planning to determine the feasibility of the project, engineering, architectural, or economic investigations or studies such as value engineering, surveys, designs, plans, working drawings, specifications, procedures, or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of the facilities or systems, or the inspection or supervision of any of the foregoing items.

005 "County" means any county authorized to construct a sewerage disposal system and plant or plants pursuant to the County Industrial Sewer Construction Act.

006 "CWSRF" means the Wastewater Treatment Facilities Construction Loan Fund that will commonly be known as the Clean Water State Revolving Fund.

007 "CWSRF Act" means the Wastewater Treatment Facilities Construction Assistance Act.

008 "DHHS" means the Nebraska Department of Health and Human Services Division of Public Health.

009 "Disadvantaged Community" for purposes of the DWSRF means a loan applicant or the service area of a loan applicant that meets affordability criteria adopted by the Council in the intended use plans.

010 "DWSRF" means the Drinking Water Facilities Loan Fund and the Land Acquisition and Source Water Loan Fund that together will commonly be known as the Drinking Water State Revolving Fund.

011 "DWSRF Act" means the Drinking Water State Revolving Fund Act.

## NEBRASKA ADMINISTRATIVE CODE

### TITLE 131 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

012 "Eligible Financial Institution" means a bank that agrees to participate in the Linked Deposit Program and which is chartered to conduct banking in this state pursuant to the Nebraska Banking Act, is chartered to conduct banking by another state and authorized to do business in this state, or is a national bank authorized to do business in this state.

013 "Initiation of Operation" means the date on which the loan recipient places the project in operation or the project is capable of being placed in operation for the purposes for which it was planned, designed, and built.

014 "IUP" means the Intended Use Plan, a document prepared annually by the Department, after public review and comment, which identifies intended use of all State Revolving Fund program funds and describes how those uses support the overall goals of the State Revolving Fund program.

015 "Linked Deposit Account" means the low yielding deposit account, certificate of deposit, or other authorized deposit as set forth in the linked deposit agreement between the Director and the eligible financial institution into which linked deposit funds are deposited.

016 "Linked Deposit Borrower" means a private or public owner who applies or receives a linked deposit loan from an eligible financial institution.

017 "Linked Deposit Lender Agreement" means the contractual documentation between the Director and a financial institution to become an eligible financial institution and allow the institution to administer linked deposit loans.

018 "Linked Deposit Loan" means the loan made to a linked deposit borrower by an eligible financial institution for a nonpoint source control system linked deposit project that has met all federal, state, and local requirements.

019 "Linked Deposit Loan Contract" means the contractual documentation between an eligible financial institution and a linked deposit borrower for a linked deposit loan.

020 "Linked Deposit Program" means the Wastewater Treatment Facilities Construction Assistance Act Linked Deposit Program to promote loans by eligible financial institutions for the construction, rehabilitation, and enhancement of nonpoint source control systems for public or private owners.

021 "Loan Applicant or Loan Recipient" means any municipality, county, or any entity authorized by law to construct, operate, and maintain a public water system.

022 "Municipality" means any city, town, village, district, association, or other public body created by or pursuant to state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

## NEBRASKA ADMINISTRATIVE CODE

### TITLE 131 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

023 “Nonpoint Source” means a discharge of pollutants from other than a point source.

024 “Nonpoint Source Control Systems” means projects which establish the use of methods, measures, or practices to control the pollution of surface waters and ground water that occurs as pollutants are transported by water from diffuse or scattered sources. Such projects include, but are not limited to, structural and nonstructural controls and operation and maintenance procedures applied before, during, and after pollution-producing activities. Sources of nonpoint source pollution may include, but are not limited to, agricultural, forestry, and urban lands, transportation corridors, stream channels, mining and construction activities, animal feeding operations, septic tank systems, underground storage tanks, landfills, and atmospheric deposition.

025 “Nonprofit Noncommunity Water System” means a Public Water System that is not a community water system and qualifies for a nonprofit status.

026 “Point source” means any discernible confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft from which pollutants are or may be discharged.

027 “Primary Drinking Water Standards” means the Regulations Governing Public Water Systems applicable to the system under Title 179 NAC 2 of DHHS that specifies either a maximum contaminant level or a treatment technique along with associated monitoring and reporting requirements for contaminants with adverse health effects on persons.

028 “Public Water System” is defined by the Nebraska Safe Drinking Water Act, section 71-5301(9) as amended.

029 “Safe Drinking Water Act” means Public Law 92-523, as amended.

030 “Significant Noncompliance” for purposes of the DWSRF means failure to comply with any Primary Drinking Water Standard as determined by the Director of DHHS.

031 “Wastewater Treatment Works” means the structures, equipment, and processes required to collect, transport, and treat domestic or industrial wastes and to dispose of the effluent and sludges.

Enabling Legislation: Neb. Rev. Stat. §81-15,149; §81-1502

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